

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2007 Legislative Session

**Legislative Day No. 2
February 5, 2007**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:30 p.m.

Calvin Ball, Chairperson; Courtney Watson, Vice Chairperson; Greg Fox, Council Member; Mary Kay Sigaty, Council Member; and Jennifer Terrasa, Council Member, were present.

Sheila Tolliver; Administrator to the County Council; Jim Vannoy, Office of Law; and Jennifer Sager, Legislative Coordinator, were also present.

APPROVE JOURNAL

The Chairperson moved to adopt the journal for Legislative Day No.1, January 2, 2006. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson to approve the journal was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes of the County Council Work Session of January 22, 2007. (*See attached.*) His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to approve the minutes passed.

SUSPEND THE RULES

The Chairperson moved to suspend the rules to allow the introduction of Council Resolution No. 15-2006 which was not prefiled. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson The motion to suspend the rules passed.

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution No. 9-2007 – Confirming the appointment of Paul K. Casey to the Housing and Community Development Board

A RESOLUTION confirming the appointment of Paul K. Casey to the Housing and Community Development Board.

Council Resolution No. 10-2007 – Confirming the appointment of Theresa E. Long to the Pension Oversight Commission

A RESOLUTION confirming the appointment of Theresa E. Long to the Pension Oversight Commission.

Council Resolution No. 11-2007 - Confirming the appointment of Janet Siddiqui, M.D. to the Howard County Board of Education

A RESOLUTION confirming the appointment of Janet Siddiqui, M. D. to the Howard County Board of Education.

Council Resolution No. 15-2007 – Confirming the appointment of Peter Bielsen as Health Officer for Howard County

A RESOLUTION confirming the appointment of Peter Bielsen as Health Officer for Howard County.

Financial

Supplementary Budget & Appropriation Ordinance No. 5-Fiscal 2007 – Transferring \$44,100 from the Grant Fund Contingency to the Department of Police for a grant to combat gangs and gang violence

AN ACT transferring \$44,100 from the Grant Fund Contingency to the Department of Police for a grant to combat gangs and gang violence.

Supplementary Budget & Appropriation Ordinance No. 6-Fiscal 2007 – Transferring \$400,000 from the General Fund Contingency to various departments for costs associated with the Administration's transition in staff including payouts and severance pay

AN ACT transferring \$400,000 from the General Fund Contingency to various departments for costs associated with the Administration's transition in staff including payouts and severance pay.

Council Resolution No. 8-2007 – Adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for the issuance and sale by Howard County, Maryland, as its limited obligations and not upon its faith and credit or pledge of its taxing power, of up to \$44,000,000 of its bonds and the loan of the proceeds thereof to Columbia Vantage House Corporation to be used to (1) finance (a) the costs of the renovation of a multi-building continuing care retirement community located in Columbia, Maryland and (b) costs of issuance, reserves, capitalized interest and other related costs; and (2) refund the outstanding Howard County, Maryland Retirement Community Revenue Bonds (Vantage House Facility) Series 2002A and B; reserving certain rights; providing for the issuance and sale of bond anticipation notes for such purposes; authorizing the County Executive to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures

A RESOLUTION adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for the issuance and sale by Howard County, Maryland, as its limited obligations and not upon its faith and credit or pledge of its taxing power, of up to \$44,000,000 of its bonds and the loan of the proceeds thereof to Columbia Vantage House Corporation to be used to (1) finance (a) the costs of the renovation of a multi-building continuing care retirement community located in Columbia, Maryland and (b) costs of issuance, reserves, capitalized interest and other related costs; and (2) refund the outstanding Howard County, Maryland Retirement Community Revenue Bonds (Vantage House Facility) Series 2002A and B; reserving certain rights; providing for the issuance and sale of bond anticipation notes for such purposes; authorizing the County Executive to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures; and specifying and describing various matters in connection therewith.

General

Council Bill No. 5-2007 – Introduced by Greg Fox/Co-sponsored by Calvin Ball, Mary Kay Sigaty, Jennifer Terrasa, Courtney Watson - Amending the Howard County Code to require that pre-submission community meetings required for residential subdivision applications in the County be held for minor sub-divisions outside the Planned Service Area for Public Water and Sewer

An Act amending the Howard County Code to require that pre-submission community meetings required for residential subdivision applications in the County be held for minor sub-divisions outside the Planned Service Area for Public Water and Sewer.

Council Bill No. 6-2007 - Introduced by Courtney Watson/Co-sponsored by Calvin Ball, Jennifer Terrasa, and Mary Kay Sigaty - Amending the Howard County Code to require developers to send notice of pre-submission community meetings at least three weeks prior to the scheduled meeting and allow Department of Planning and Zoning staff to attend, on request, pre-submission community meetings required for residential subdivision applications

An Act amending the Howard County Code to require developers to send notice of pre-submission community meetings at least three weeks prior to the scheduled meeting and allow Department of Planning and Zoning staff to attend, on request, pre-submission community meetings required for residential subdivision applications; and generally relating to pre-submission community meetings.

Council Bill No. 7-2007 – Amending certain definitions related to firearms control; adding certain definitions; adding that certain prohibitions shall not apply to a public safety officer acting within the scope of the officer’s official duties or to certain transfers of electronic weapons

AN ACT amending certain definitions related to firearms control; adding certain definitions; adding that certain prohibitions shall not apply to a public safety officer acting within the scope of the officer’s official duties or to certain transfers of electronic weapons; and generally related to firearms control.

Council Bill No. 8-2007 – Amending the Plumbing and Gasfitting Code for Howard County to adopt certain local amendments relating to certain plumbing facilities, fixtures, and fire protection systems

AN ACT amending the Plumbing and Gasfitting Code for Howard County to adopt certain local amendments relating to certain plumbing facilities, fixtures, and fire protection systems; and generally relating to the Plumbing and Gasfitting Code for Howard County.

Council Resolution No. 12-2007 – Declaring that it is in the interest of the public health, safety, and welfare of the citizens of Howard County to reject the offer of dedication of Hill Street (thirty (30) feet in width) abutting lots 7, 8, 9, and 10 (along Hill Street only) in block 4 as shown on the subdivision plat entitled “Property of North Laurel Park Company” recorded among the land records of Howard County, Maryland at liber 61, folio 470 in 1894; declaring, pursuant to Section 4.201 of the Howard County Code, that certain real property consisting of 10 feet abutting lots 20, 21, and 22 in block 6 as shown on the subdivision plat entitled “Property of North Laurel Park Company” is no longer needed by the County for public purposes; authorizing the County Executive to terminate the property interest, vesting fee simple title to the Howard County Housing Commission; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to terminate the property interest if he finds that it may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION declaring that it is in the interest of the public health, safety, and welfare of the citizens of Howard County to reject the offer of dedication of Hill Street (thirty (30) feet in width) abutting lots 7, 8, 9, and 10 (along Hill Street only) in block 4 as shown on the subdivision plat entitled “Property of North Laurel Park Company” recorded among the land records of Howard County, Maryland at liber 61, folio 470 in 1894; declaring, pursuant to Section 4.201 of the Howard County Code, that certain real property consisting of 10 feet abutting lots 20, 21, and 22 in block 6 as shown on the subdivision plat entitled “Property of North Laurel Park Company” is no longer needed by the County for public purposes; authorizing the County

Executive to terminate the property interest, vesting fee simple title to the Howard County Housing Commission; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to terminate the property interest if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 13-2007 – Pursuant to Section 4.201 of the Howard County Code declaring that certain real property located at 3726 Old Columbia Pike, Ellicott City, Howard County, Maryland containing .058 acres and owned by Howard County is no longer needed by the County for public purposes; authorizing the County Executive to enter into a long-term Lease Agreement with Historic Ellicott City, Inc.; and providing that the County Executive is not bound to lease the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that certain real property located at 3726 Old Columbia Pike, Ellicott City, Howard County, Maryland containing .058 acres and owned by Howard County is no longer needed by the County for public purposes; authorizing the County Executive to enter into a long-term Lease Agreement with Historic Ellicott City, Inc.; and providing that the County Executive is not bound to lease the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 14-2007 – Introduced by the Chairperson - Calling the County Council of Howard County, Maryland into legislative session on March 29, 2007

RESOLUTION calling the County Council of Howard County, Maryland into legislative session on March 29, 2007.

FINAL CONSIDERATION

The Chairperson moved to adopt the following legislation:

Consent

Council Resolution No. 1-2007 – Confirming the appointment of Serena Mann as Cable Administrator

Council Resolution No. 6-2007 – By the Chairperson - Appointing Kevin Doyle to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2009.

Council Resolution No. 7-2007 – By the Chairperson - A RESOLUTION appointing James D. Walsh to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2011.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the resolutions was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Resolutions No. 1-2007, No. 6-2007 and No. 7-2007 passed.

Appointments

Council Resolution No. 2-2007 – Confirming the appointment of James A. McQuarrie to the Alcoholic Beverage Hearing Board

The Chairperson moved to table Council Resolution No. 2-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to table Council Resolution No. 2-2007 passed.

Financial

Council Bill No. 1-2007 – Supplementing Council Bill No. 34-2006, which provided for the issuance of the County's Consolidated Public Improvement Bonds and/or Metropolitan District Bonds in the initial aggregate principal amount of \$101,525,000 to provide funds to pay the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D (the "Notes"), in order to provide for the issuance of an additional \$150,000,000 of such Bonds in order to provide funds to pay \$150,000,000 of additional Notes, and for related purposes

The Chairperson moved to adopt Council Bill No. 1-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 1-2007 as follows:

On page 3, in line 2, strike “all”
and

On page 3, in lines 3, 4 and 5, strike “which are outstanding as of the date of introduction of this Ordinance and all renewals thereof through the day preceding the date of delivery of the 2007 Consolidated Public Improvement Bonds”
and

On page 4, in line 20, strike “hereafter”
and

On page 4, in lines 20 and 21, strike “(i.e., following issuance of the 2006 Consolidated Public Improvement Bonds)”
and

On page 4, in line 21, strike “\$151,525,000” and substitute “\$251,525,000”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 1 to Council Bill No. 1-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Bill No. 1-2007 passed as amended.

Council Bill No. 2-2007 – Supplementing Council Bill No. 35-2006, which provided for the issuance and reissuance of the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D (the "Notes") in order to provide for the issuance of an additional \$150,000,000 of the Notes, for the disbursement of the proceeds of such additional Notes, for increases in the maximum aggregate amount of outstanding advances under the Credit Agreement with State Street Bank and Trust Company relating to the Notes, and for related purposes

The Chairperson moved to adopt Council Bill No. 2-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 2-2007 as follows:
(See attached.)

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 1 to Council Bill No. 2-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Bill No. 2-2007 passed as amended.

Council Bill No. 3-2007 – Providing for the issuance of \$100,000,000 "Howard County, Maryland Consolidated Public Improvement Bonds, 2007 Series A" and \$10,000,000 "Howard County, Maryland Metropolitan District Bonds, 2007 Series A", pursuant to various bond enabling laws; prescribing the forms of such bonds, the annual principal installments and various details incident to the sale thereof; providing that such bonds shall be general obligations of the County; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; providing for and determining various matters in connection therewith; and providing that this Ordinance shall be supplemental to Council Bills Nos. 34-2006 and 35-2006, as heretofore supplemented

The Chairperson moved to table Council Bill No. 3-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
The motion to table Council Bill No. 3-2007 passed.

General

Council Bill No. 4-2007 – Introduced by Courtney Watson/Co-sponsored by Calvin Ball, Greg Fox - Amending Subtitle 1 “Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code to require that pre-submission community meetings required for residential subdivision applications in the County be held in public or institutional buildings within a five mile radius of the subdivision site

The Chairperson moved to adopt Council Bill No. 4-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 4-2007 as follows: *(This amendment removes the Department of Planning and Zoning approval for a location that does not satisfy the requirements for pre-submission community meetings.)*

On page 1, in line 25, strike beginning with “THE” in line 25 down through “ZONING.” in line 27.

His motion was seconded by Ms. Watson

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Amendment No. 2 to Council Bill No. 4-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Bill No. 4-2007 passed as amended.

Council Resolution No. 3-2007 – Pursuant to Section 4.201 of the Howard County Code declaring that a sewer and utility easement consisting of 0.18 acres owned by Howard County, MD and located across property known as Parcel 821 on Tax Map 24 in the Second Election District of Howard County, MD is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner, Williamsburg Group, L.L.C.; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to terminate the easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration

The Chairperson moved to adopt Council Resolution No. 3-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Resolution No. 3-2007 passed.

Council Resolution No. 4-2007 – Pursuant to Section 16.301 of the Howard County Code granting a variance from the structure and use setback requirements at the new elementary school to be located on Montgomery Road in Ellicott City

The Chairperson moved to adopt Council Resolution No. 4-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 4-2007 as follows: *(This amendment substitutes a new exhibit to correct notes that incorrectly state the required setback.)*

Remove the Exhibit, attached to the Resolution as prefiled, and substitute the Exhibit attached to this amendment. (See attached.)

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 1 to Council Resolution No. 4-2007 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Resolution No. 4-2007 passed as amended.

Council Resolution No. 5-2007 – Introduced by Chair - Calling the County Council of Howard County, Maryland into legislative session on February 27, 2007

The Chairperson moved to withdraw Council Resolution No. 5-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to withdraw Council Resolution No. 5-2007 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:00 p.m.

TABLED LEGISLATION

Council Resolution No. 2-2007 – Confirming the appointment of James A. McQuarrie to the Alcoholic Beverage Hearing Board *(Tabled 02/05/07)*

Council Bill No. 3-2007 – Providing for the issuance of \$100,000,000 "Howard County, Maryland Consolidated Public Improvement Bonds, 2007 Series A" and \$10,000,000 "Howard County, Maryland Metropolitan District Bonds, 2007 Series A", pursuant to

various bond enabling laws; prescribing the forms of such bonds, the annual principal installments and various details incident to the sale thereof; providing that such bonds shall be general obligations of the County; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; providing for and determining various matters in connection therewith; and providing that this Ordinance shall be supplemental to Council Bills Nos. 34-2006 and 35-2006, as heretofore supplemented (*Tabled 02/05/07*)
